

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11781-DPW  
Internal Use Only**

Nguyen v. NMT Medical, Inc.  
Assigned to: Judge Douglas P. Woodlock  
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 08/13/2004  
Date Terminated: 04/03/2007  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Loi Tan Nguyen**

represented by **Loi Tan Nguyen**

#1  
92 Saint Marks Rd.  
Dorchester, MA 02124  
PRO SE



V.

**Defendant**

**NMT Medical, Inc.**

represented by **Julie Murphy Clinton**

Wilmer Cutler Pickering Hale and Dorr  
LLP  
60 State Street  
Boston, MA 02109  
617-526-6212  
Fax: 617-526-5000  
Email: julie.clinton@wilmerhale.com  
**ATTORNEY TO BE NOTICED**

I hereby certify on 5/17/07 that the  
foregoing document is true and correct copy of the  
☐ electronic docket in the captioned case  
☐ electronically filed original filed on \_\_\_\_\_  
☐ original filed in my office on \_\_\_\_\_

Sarah A. Thornton  
Clerk, U.S. District Court  
District of Massachusetts

By: [Signature]  
Deputy Clerk

**Laura E. Schneider**

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**ATTORNEY TO BE NOTICED**

**ADR Provider**

**Mag. Judge Joyce London Alexander****Mediator****Jonathan D. Canter***TERMINATED: 05/18/2005***Mediator****Mag. Judge Joyce London Alexander***TERMINATED: 12/20/2005*

Date Filed	#	Docket Text
08/13/2004	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Loi Tan Nguyen.(Jenness, Susan) (Entered: 08/13/2004)
08/13/2004	<u>2</u>	MOTION to Appoint Counsel by Loi Tan Nguyen.(Jenness, Susan) (Entered: 08/13/2004)
08/13/2004	<u>3</u>	COMPLAINT, filed by Loi Tan Nguyen.(Jenness, Susan) Additional attachment(s) added on 11/19/2004 (Nici, Richard). Additional attachment(s) added on 11/19/2004 (Nici, Richard). (Entered: 08/13/2004)
08/13/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Jenness, Susan) (Entered: 08/13/2004)
08/13/2004		Case undergoing preliminary screening (Jenness, Susan) (Entered: 08/13/2004)
10/29/2004	<u>4</u>	Judge Douglas P. Woodlock : ORDER entered: denying <u>1</u> Motion for Leave to Proceed in forma pauperis. If plaintiff wishes to proceed with this action, he shall, within 35 days of the date of this order, pay the \$150.00 filing fee or this action shall be dismissed without prejudice. (Morse, Barbara) (Entered: 11/01/2004)
11/01/2004		Set Deadlines/Hearings: Plaintiff to pay \$150.00 filing fee by 12/3/2004. (Morse, Barbara) (Entered: 11/01/2004)
11/08/2004		Filing fee: \$ 150.00, receipt number 59910 regarding Payment of Filing Fee (Jenness, Susan) (Entered: 11/08/2004)
11/08/2004	<u>5</u>	MOTION to Seal all public records of the case by Loi Tan Nguyen.(Jenness, Susan) (Entered: 11/10/2004)
11/17/2004	<u>6</u>	Judge Douglas P. Woodlock : ORDER entered granting in part and denying in part <u>5</u> Motion to Seal, denying <u>2</u> Motion to Appoint Counsel. The Clerk is directed to impound the four-page medical record accompanying the complaint. The clerk shall attach a copy of this order to the envelope or other container containing this impounded material. The

		Clerk shall issue summons for service of the defendant. The summons shall be forwarded to plaintiff with a copy of this Memorandum and Order so that plaintiff can arrange for service of the summons and complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure. Summons issued by clerk and mailed to plaintiff with copies of the memorandum and order; Rule 4.1; and Step By Step Guide. (Morse, Barbara) (Entered: 11/18/2004)
11/17/2004	●	Summons Issued as to NMT Medical, Inc.. (Morse, Barbara) (Entered: 11/18/2004)
01/03/2005	●7	SUMMONS Returned Executed Loi Tan Nguyen served on 1/3/2005, answer due 1/24/2005. (Nici, Richard) (Entered: 01/13/2005)
01/24/2005	●8	ANSWER to Complaint by NMT Medical, Inc..(Clinton, Julie) (Entered: 01/24/2005)
01/24/2005	●9	CORPORATE DISCLOSURE STATEMENT by NMT Medical, Inc.. (Clinton, Julie) (Entered: 01/24/2005)
02/23/2005	●10	NOTICE of Scheduling Conference: Scheduling Conference set for 3/24/2005 03:00 PM in Courtroom 1 before Judge Douglas P. Woodlock. (Rynne, Michelle) (Entered: 02/23/2005)
03/14/2005	●11	MOTION to Appoint Counsel by Loi Tan Nguyen.(Nici, Richard) (Entered: 03/16/2005)
03/17/2005	●12	JOINT STATEMENT re scheduling conference Discovery due by 9/30/2005. Motions due by 12/30/2006. Amended Pleadings due by 7/15/2005. by NMT Medical, Inc..(Clinton, Julie) (Entered: 03/17/2005)
03/17/2005	●13	CERTIFICATION pursuant to Local Rule 16.1 by NMT Medical, Inc..(Clinton, Julie) (Entered: 03/17/2005)
03/24/2005	●	Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock : Scheduling Conference held on 3/24/2005, <u>11</u> MOTION to Appoint Counsel filed by Loi Tan Nguyen denied - Because case is an attorney fee award case, Plaintiff should contact the bar association for assistance in acquiring counsel. Case will be referred to ADR for mediation. (Court Reporter Pam Owens.) (Rynne, Michelle) (Entered: 03/24/2005)
03/29/2005	●14	Judge Douglas P. Woodlock : ORDER entered. REFERRING CASE to Alternative Dispute Resolution.(Rynne, Michelle) (Entered: 03/29/2005)
05/02/2005	●	Notice of assignment to ADR Provider. ADR Panel member Jonathan D. Canter appointed as mediator.(Nee, Amy) (Entered: 05/02/2005)
05/02/2005	●	NOTICE of ADR Conference Alternative Dispute Resolution Hearing set for 5/18/2005 09:30 AM in Courtroom 7 with ADR Panel member Jontahan D. Canter. Clients with settlement authority must attend unless excused by the mediator. The mediator will contact the parties about preparation for the mediation.(Nee, Amy) (Entered: 05/02/2005)

05/02/2005	●	NOTICE of ADR Conference The Alternative Dispute Resolution Hearing set for 5/18/2005 09:30 AM HAS BEEN MOVED TO COURTROOM 5.(Nee, Amy) (Entered: 05/02/2005)
05/18/2005	●15	REPORT of Alternative Dispute Resolution Provider, ADR Panel member Jonathan D. Canter. Further efforts to settle this case through mediation are unlikely to be productive at this time. This case should be restored to the trial list. (Nee, Amy) (Entered: 05/18/2005)
05/27/2005	●	NOTICE of Scheduling Conference: Further Scheduling Conference set for 6/16/2005 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. Parties shall file an updated joint statement by 6/9/05. (Rynne, Michelle) (Entered: 05/27/2005)
06/09/2005	●16	Second JOINT STATEMENT re scheduling conference. (Clinton, Julie) (Entered: 06/09/2005)
06/09/2005	●17	Joint statement in preparation for scheduling conference by Loi Tan Nguyen, NMT Medical, Inc.. (Nici, Richard) (Entered: 06/09/2005)
06/16/2005	●	Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock : Scheduling Conference held on 6/16/2005. Plaintiff is encouraged, again, to seek referral from BBA. Case will be referred to MJ Alexander for further ADR. Sechedule set: Discovery, including admissions, by 1/6/06; amendments to 9/9/05; no experts; dispositive motions by 2/15/06. (Court Reporter Pam Owens.) (Rynne, Michelle) (Entered: 06/16/2005)
06/16/2005	●18	Judge Douglas P. Woodlock : ORDER entered. SCHEDULING ORDER: Further Scheduling/Status Conference set for 3/16/2006 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. Amended Pleadings due by 9/9/2005. Discovery due by 1/6/2006. Motions due by 2/15/2006.Status report due 3/9/06.(Rynne, Michelle) (Entered: 06/16/2005)
08/22/2005	●19	Judge Douglas P. Woodlock : ORDER entered. REFERRING CASE to Alternative Dispute Resolution. Referred to Magistrate Judge Alexander for mediation. (Rynne, Michelle) (Entered: 08/22/2005)
08/25/2005	●	Electronic Notice of assignment to ADR Provider. Magistrate Judge Joyce London Alexander appointed. The Court will contact counsel with regard to scheduling.(Tyler, Rebecca) (Entered: 08/25/2005)
08/26/2005	●20	NOTICE of ADR Conference: Alternative Dispute Resolution Hearing SET for 12/20/2005 @ 10:00 AM in Courtroom 24 before Magistrate Judge Joyce London Alexander.(JLA, int1) Additional attachment(s) added on 8/26/2005 (JLA, int1). (Entered: 08/26/2005)
09/01/2005	●21	MOTION to Stay <i>Discovery and Modify Scheduling Order</i> by NMT Medical, Inc..(Clinton, Julie) (Entered: 09/01/2005)
09/23/2005	●22	AMENDED NOTICE of ADR Conference: Alternative Dispute Resolution Hearing SET for 12/20/2005 @ 10:00 AM in Courtroom 24



		before Magistrate Judge Joyce London Alexander.(JLA, int1) (Entered: 09/23/2005)
09/27/2005	21	Judge Douglas P. Woodlock : ElectronicORDER entered granting <u>21</u> Motion to Stay Discovery and Modify Scheduling Order. Discovery shall be completed by 4/6/06. Summary Judgment motions due 6/15/06. Further Scheduling/status conference reset for 7/18/06 at 2:30 pm. Status report due 7/11/06. (Rynne, Michelle) (Entered: 09/27/2005)
09/27/2005	22	NOTICE of Rescheduling Hearing:Further Scheduling/Status Conference reset for 7/18/2006 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. Status report due 7/11/06.(Rynne, Michelle) (Entered: 09/27/2005)
12/20/2005	23	Magistrate Judge Joyce London Alexander: REPORT of Alternative Dispute Resolution Provider.(JLA, int1) (Entered: 12/20/2005)
04/05/2006	24	Assented to MOTION for Extension of Time to May 18, 2006 to Complete Discovery <i>and to Modify Scheduling Order filed on behalf of Plaintiff Loi Tan Nguyen</i> by NMT Medical, Inc..(Clinton, Julie) (Entered: 04/05/2006)
04/10/2006	25	Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>24</u> Motion for Extension of Time to Complete Discovery Discovery to be completed by 5/18/2006. Motions due by 7/27/2006. Status Report due by 9/7/2006. Further scheduling conference reset for 9/14/06 at 2:30 p.m.(Rynne, Michelle) (Entered: 04/10/2006)
04/10/2006	26	Set/Reset Hearings: Further Scheduling/Status Conference reset for 9/14/2006 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. (Rynne, Michelle) (Entered: 04/10/2006)
06/26/2006	27	Assented to MOTION for Extension of Time to August 29, 2006 to File Motions for Summary Judgment by NMT Medical, Inc..(Clinton, Julie) (Entered: 06/26/2006)
06/28/2006	28	Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>25</u> Motion for Extension of Time. Motions due by 8/29/2006. Further Scheduling/Status Conference set for 10/12/2006 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. Status report due 12/5/06. (Rynne, Michelle) (Entered: 06/28/2006)
08/29/2006	29	MOTION for Summary Judgment by NMT Medical, Inc..(Clinton, Julie) (Entered: 08/29/2006)
08/29/2006	30	MEMORANDUM in Support re 26 MOTION for Summary Judgment filed by NMT Medical, Inc.. (Clinton, Julie) (Entered: 08/29/2006)
08/29/2006	31	Statement of Material Facts L.R. 56.1 re 26 MOTION for Summary Judgment filed by NMT Medical, Inc.. (Clinton, Julie) (Entered: 08/29/2006)

08/29/2006	<u>29</u>	AFFIDAVIT of Julie Murphy Clinton, Esq. in Support re <u>26</u> MOTION for Summary Judgment filed by NMT Medical, Inc.. (Attachments: # <u>1</u> )(Clinton, Julie) (Entered: 08/29/2006)
10/05/2006	<u>30</u>	Opposition to <u>26</u> MOTION for Summary Judgment by Loi Tan Nguyen. (Attachments: # <u>1</u> Affidavit) Exhibits are voluminous and not scanned.(Nici, Richard) Modified on 10/6/2006 (Nici, Richard). (Entered: 10/05/2006)
10/06/2006		Motions terminated: <u>30</u> MOTION for Summary Judgment filed by Loi Tan Nguyen.. (Nici, Richard) (Entered: 10/06/2006)
10/06/2006		Notice of correction to docket made by Court staff. Correction: docket entry #30 corrected because:the document was filed as a motion and should have been filed as an opposition. (Nici, Richard) (Entered: 10/06/2006)
10/12/2006		ElectronicClerk's Notes for proceedings held before Judge Douglas P. Woodlock : Scheduling Conference held on 10/12/2006, Defendant may file reply to <u>26</u> MOTION for Summary Judgment by 10/17/2006. Motion will be taken under advisement. (Court Reporter D. Joyce.) (Rynne, Michelle) (Entered: 10/12/2006)
10/17/2006	<u>31</u>	MOTION for Leave to File <i>Reply to Plaintiff's Opposition to Motion for Summary Judgment</i> by NMT Medical, Inc..(Clinton, Julie) (Entered: 10/17/2006)
10/17/2006	<u>32</u>	Proposed REPLY to Response to Motion re <u>26</u> MOTION for Summary Judgment filed by NMT Medical, Inc.. (Clinton, Julie) Modified on 10/18/2006 (Nici, Richard). (Entered: 10/17/2006)
10/18/2006		Notice of correction to docket made by Court staff. Correction: docket entry #32 corrected because: the document should have been filed either as an attachment or proposed document. (Nici, Richard) (Entered: 10/18/2006)
10/19/2006		Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>31</u> Motion for Leave to File reply.(Rynne, Michelle) (Entered: 10/19/2006)
03/15/2007	<u>33</u>	NOTICE of Appearance by Laura E. Schneider on behalf of NMT Medical, Inc. (Schneider, Laura) (Entered: 03/15/2007)
03/29/2007	<u>34</u>	MEMORANDUM OF LAW by Loi Tan Nguyen. (Nici, Richard) (Entered: 03/29/2007)
04/03/2007	<u>35</u>	Judge Douglas P. Woodlock : MEMORANDUM AND ORDER entered granting <u>26</u> Motion for Summary Judgment (Woodlock, Douglas) (Entered: 04/03/2007)
04/03/2007	<u>36</u>	Judge Douglas P. Woodlock : ORDER entered. JUDGMENT in favor of Defendant against Plaintiff.(Rynne, Michelle) (Entered: 04/03/2007)

04/30/2007

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NOTICE OF APPEAL as to 36 Judgment by Loi Tan Nguyen NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <http://www.ca1.uscourts.gov/clerks/transcript.htm> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/21/2007. Receipt #79750 \$455(Nici, Richard) (Entered: 04/30/2007)